

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6470

BILL NUMBER: HB 1065

NOTE PREPARED: Mar 5, 2010

BILL AMENDED: Mar 4, 2010

SUBJECT: Various Provisions Concerning Firearms.

FIRST AUTHOR: Rep. Bischoff

FIRST SPONSOR: Sen. Nugent

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Firearm in Locked Vehicle*- The bill prohibits a person, including an individual, a corporation, and a governmental entity, from adopting or enforcing a policy or rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from legally possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of sight in the employee's locked vehicle while the vehicle is in or on the person's property, unless the firearm or ammunition requires a certain federal license to possess.

Exemptions to Possess Firearm- The bill exempts possession of a firearm or ammunition: (1) on school property, on property used by a school for a school function, or on a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; (4) in violation of federal law; (5) on property belonging to an approved postsecondary educational institution; (6) on the property of a domestic violence shelter; (7) at a person's residence; (8) on the property of a person that is subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards and licensed by the United States Nuclear Regulatory Commission; (9) on property owned by a public utility that generates and transmits electric power or a department of public utilities; and (10) in an employee's personal vehicle if the employee is a direct support professional who uses the employee's personal vehicle while transporting an individual with developmental disabilities.

No Court Jurisdiction- The bill provides that a court does not have jurisdiction over an action that: (1) is brought against an employer who is in compliance with the prohibition against adoption or enforcement of a policy or rule that prohibits the possession of a firearm in a locked vehicle; and (2) is brought to recover for any injury or damage resulting from the employer's compliance.

Civil Action- The bill authorizes a person harmed by a violation to bring a civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation.

Lawful Possession of Firearm- The bill prohibits the state, a political subdivision, or any other person from prohibiting or restricting the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during a declared disaster emergency, energy emergency, or local disaster emergency, subject to exceptions that apply to the prohibition against adoption or enforcement of a policy or rule that prohibits the possession of a firearm in a locked vehicle.

Repealer and Deletion- The bill repeals provisions that allow certain political subdivisions to adopt emergency ordinances to regulate firearms if a local disaster emergency has been declared. The bill deletes an outdated reference.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: *Summary-* There are no data available to indicate how many additional civil actions would occur from the adoption or enforcement of ordinances, resolutions, policies, or rules prohibiting the possession of firearms and ammunition on certain property or in locked vehicles.

Background- Civil Court Costs: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Chemical Facility Anti-Terrorism Standards: There are 160 properties in Indiana that have developed a site security plan under the United States Department of Homeland Security's (USDHS) Chemical Facility Anti-Terrorism Standards issued April 9, 2007.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Background- Civil Court Costs:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

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